

Minutes of Board of Adjustment Meeting
held Tuesday, July 7, 2015, at 7:00 P.M.,
in the Council Chambers, 11 North 3rd Street,
Jacksonville Beach, Florida



Call to Order

The meeting was called to order by Chairman Osewalt.

Roll Call

Tom Buck
Joseph Loretta
John Moreland
Sylvia Osewalt Chairman
Scott Cummings Vice-Chairman

Alternates:
Jeff Truhlar
Francis Reddington

Ex-parte Communications

Mr. Moreland reported a conversation with a citizen concerning process.

Approval of Minutes

Mr. Moreland moved approval of the minutes of April 7 and May 20, 2015, seconded by Mr. Loretta. Motion to approve the minutes was adopted unanimously.

Correspondence

There was no correspondence.

OLD BUSINESS:

There was no old business.

NEW BUSINESS:

(A) Case Number: BOA 15-100082

Name of Applicant: David Law, President of North Florida Coastline Construction

Property Address: 1721 2nd Street

Motion to Approve: It was moved by Mr. Cummings, seconded by Mr. Moreland, to approve a front yard of 14 feet in lieu of 20 feet required; for a rear yard of 5 feet in lieu of 30 feet required; and for 51% lot coverage in lieu of 35% maximum to allow for a new single family dwelling.

Applicant: The agent for the owner, Sal Pino, 200 Ironwood Drive, Ponte Vedra Beach, stated that the house on the lot was built on a small substandard lot. They applied for a conditional use for a single family. The proposal is to knock the house down and build a new structure on the same footprint.

Mr. Moreland asked what basically the same footprint means. Mr. Pino responded that he would like to make the Florida room part of heated space. Concrete pad will be the same. Mr. Pino added that they will have a covered porch on the second floor.

Mr. Loretta asked about the parking garage. Mr. Pino responded that the garage would face 18th Ave. Mr. Loretta noted that the sketch shows a garage on 2nd Street. Mr. Moreland stated that the pick-up truck in the house behind him parks out into the street, and questioned whether he would have the same issue. Mr. Pino responded no.

In response to Mr. Loretta, Mr. Pino stated that the right-of-way was 40 feet.

Mr. Buck stated that the bumper of the vehicle in the driveway would stick into the street and expressed concern. Mr. Loretta asked Mr. Pino to confirm the site plan.

Public Hearing:

Ms. Osewalt opened the public hearing and asked if anyone was present to speak in favor or in opposition to the request.

Julian Moss, 1820 S. Ocean Drive, objected to the house being built with the 5 foot backyard that was right behind him. He stated that 20 feet would be more reasonable. Mr. Moreland stated that Mr. Moss was located a block south of the subject property.

Vicki Seibel, 1717 2nd Street South, expressed concern that the property encroaches on her property. The storage shed has been on their property for many years. Mr. Hays stated that the setback next to her property meets the code.

Steven Fitzgerald, 1717 2nd Street South, tried to clarify the concerns. Mr. Hays noted that the front yard and rear yard setbacks are the issues before the Board tonight. Mr. Hays noted that there won't be room to have a shed there so it will not be allowed.

Mr. Pino responded that the roof protrudes but the walls do not and the shed will go away when they build this house.

Mr. Loretta asked if there will be open air porch on first and second floor. Mr. Pino stated that the upper floor will not extend beyond the existing foot print.

Mr. Reddington asked if the old house was 51% coverage. Mr. Moreland responded that it actually was more than 51% coverage because of the shed.

Discussion:

Mr. Moreland stated that there was clearly a hardship due to the substandard lot. He noted that the City Council does not want anything over 50%.

Mr. Loretta stated that he was concerned with the front yard setback.

Amended Motion: It was moved by Mr. Moreland, seconded by Mr. Cummings, to approve a front yard of 14 feet in lieu of 20 feet required; for a rear yard of 5 feet in lieu of 30 feet required; and for 49.5% lot coverage in lieu of 35% maximum to allow for a new single family dwelling.

Roll Call Vote on Amended Motion: Ayes – Moreland, Buck, Cummings, Osewalt and Loretta. Amended motion approved unanimously.

(B) Case Number: BOA 15-100103

Name of Applicant: Michael “Patrick” Matthew

Property Address: 2201 11th Avenue North

Motion to Approve: It was moved by Mr. Cummings, seconded by Mr. Moreland, to approve a request for 46% lot coverage in lieu of 35% maximum to allow for a swimming pool deck and walkway addition to a single family dwelling.

Applicant: The applicant, Patrick Matthew, 2201 11th Avenue North, stated that his lot was non-conforming and the pool was already installed. He stated that the walkway is mulch that gets tracked into the house.

Mr. Buck asked if they have talked to the neighbors to the west; Mr. Matthew state that they are not opposed.

Mr. Cummings asked Mr. Matthew to explain where the pavers are going to be put.

Public Hearing:

There was no one present to speak in favor or in opposition to the proposal.

Discussion:

Mr. Truhlar asked if there are issues with flooding. Mr. Hays stated that issues are on 24th Street.

Amended Motion to Approve: It was moved by Mr. Loretta, seconded by Mr. Moreland, to approve a request for 46% lot coverage in lieu of 35% maximum to allow for a swimming pool deck and walkway addition to a single family dwelling as shown and discussed.

Roll Call Vote on Amended Motion: Ayes – Moreland, Buck, Cummings, Osewalt and Loretta. Amended motion approved unanimously.

(C) Case Number: BOA 15-100104

Name of Applicant: James Parsons

Property Address: 617 5th Street North

Motion to Approve: It was moved by Mr. Cummings, seconded by Mr. Moreland, to approve a request for a front yard of 15 feet in lieu of 20 feet required, and for 38% lot coverage in lieu of 35% maximum to allow for improvements to a single family dwelling.

Applicant: The applicant, James Parsons, 617 5th Street North, stated that they wanted to build a garage and they would have to demolish plumbing if they built the garage at one end and at the other end they would have to redo the entire floor plan. He noted that the decking will go away.

Mr. Buck asked if the garage was going where the deck was located. Mr. Parsons confirmed that it would.

Mr. Loretta stated that they could do a detached garage at the south end of the property. Mr. Parsons stated that part of the property was the backyard.

Public Hearing:

There was no one present to speak in favor or in opposition to the proposal.

Discussion:

Mr. Buck stated that the request was reasonable to add 3% lot coverage. He thought that the property would be improved by this proposed change.

Roll Call Vote: Ayes – Moreland, Buck, Cummings, Osewalt and Loretta. Amended motion approved unanimously.

(D) Case Number: BOA 15-100106

Name of Applicant: William D. Watson

Property Address: 3288 Isabella Boulevard

Motion to Approve: It was moved by Mr. Cummings, seconded by Mr. Moreland, to approve a request for side yards of 7.5 feet in lieu of 10 feet required; for a rear yard of 25 feet in lieu of 30 feet required; and for 46% lot coverage in lieu of 35% maximum to allow for a new single family dwelling.

Applicant: The applicant, William Watson, 107 Trudy Lane, introduced his brother James Watson, who was building his new house. The rear yard variance request is for a porch with no windows. There is a ditch in the rear of the property. All run off will be directed to Isabella. Mr. Watson noted that it was very difficult to construct a house within the constraints of this non-conforming lot.

Public Hearing:

There was no one present to speak in favor or in opposition to the proposal.

Discussion:

Mr. Moreland stated that this was a substandard lot and the request was reasonable. Mr. Cummings also noted that the drainage ditch was located to the rear.

Roll Call Vote: Ayes – Moreland, Buck, Cummings, Osewalt and Loretta. Amended motion approved unanimously.

(E) Case Number: BOA 15-100113

Name of Applicant: Tenth Street Beach Properties, LLC

Property Address: 660 South 10th Street

Motion to Approve: It was moved by Mr. Cummings, seconded by Mr. Moreland, to approve a request for gravel in lieu of paving for 34 parking spaces; for 108 spaces in lieu of 193 required spaces; for a maximum of 15 parking spaces in an uninterrupted row in lieu of 10 spaces maximum to allow for development of a 36,000 square foot outdoor recreational facility with restaurant, snack bar and outdoor restaurant space.

Applicant: The representative for the applicant, Jim O’Nan, 12058 San Jose Blvd., Jacksonville, stated that they asked the City for additional property for overflow parking to make the project work.

Mr. Osewalt asked him to clarify the number of parking spaces requested. Jason Canning, 1713 Furman Road, Jacksonville, introduced himself. Mr. O’Nan stated that they needed the other parcel for sufficient parking.

Mr. Loretta noted that the parking was not sufficient to meet code, regardless of the number of spaces requested. He thought they should table this and let them redesign this. He questioned why this usage was not required to meet parking requirements. Mr. Canning stated that the City would like this lot to remain unpaved.

Mr. Hays stated that they would be asking for 121 unpaved spaces. He stated that there is confusion how the code addresses recreational parking. He stated that the use for volleyball courts will not generate the demand for parking as required in the Code. Mr. Loretta thought this was not adequately explained in the application.

Mr. Loretta noted that if the City was using the lot there could be a problem with parking. Mr. O’Nan stated the City would only use it in an emergency.

Mr. Loretta asked if they could get rid of the request for 15 uninterrupted spaces. He asked if there was a need for the gravel spaces. Mr. O’Nan stated that they were thinking of joining that area with the parcel to the north and leaving it undeveloped until expansion took place. Mr. Loretta asked if they could pave the 34 spaces, and stated that they could take away the request and only making it contingent on the spaces to the north. Mr. Loretta noted that the application should be changed to allow for 85 spaces on the City property.

Ms. Osewalt stated that she was confused as to what was being requested, as did Mr. Cummings.

Mr. Moreland stated that the project was a good project, but they were being asked to vote on something that wasn’t posted. He moved to postpone it till the next meeting. Mr. Hays noted that the unpaved parking was for non-restaurant space. He stated that they should vote tonight on what was before the Board.

Public Hearing:

There was no one present to speak in favor or in opposition to the proposal.

Discussion:

Mr. Cummings clarified the portion that would be paved. Mr. Loretta stated that the additional 34 spaces (originally to be graveled) will be paved. He added on the southern parcel the parking will meet code. They would grant a contingency that any additional parking not met would be provided on an unapproved grass parking lot.

Mr. Buck asked Mr. Hays if the retention pond would handle the amount of pavement. Mr. Hays thought they may have to change the shape but should be able to meet retention requirements.

Mr. Cummings thought that they could make a decision tonight. Mr. Loretta thought that they would have to modify parking to show more handicapped spaces. Mr. Loretta asked if the motion could be amended to 100 spaces.

Mr. Truhlar asked who was liable for the parking in the unpaved area. Ms. Osewalt stated that they would be liable because they have a lease.

Roll Call Vote: Ayes – Ayes – Cummings. Nays, Moreland, Truhlar, Buck and Osewalt.
Motion denied 4-1.

Adjournment

There being no further business coming before the Board, Ms. Osewalt adjourned the meeting at 8:16 P.M.

Submitted by: Amber Maria Lehman
Staff Assistant

Approval:

/s/ Sylvia Osewalt
Chairman

Date: August 18, 2015